

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

HILLSBOROUGH, SS.
Northern District
Docket # 07-S-0254

MAY TERM, 2007

The State of New Hampshire

v.

Michael K. Addison

STATE'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY

NOW COMES the State of New Hampshire by and through its attorneys, the Office of the Attorney General, and hereby notifies the Court and the defendant, Michael K. Addison, that in the event of the defendant's conviction for Capital Murder, the State will seek the sentence of death.

The State proposes to prove the following statutory aggravators pursuant to RSA 630:5, VII, as charged in the indictment, hereby incorporated by reference, and additional non-statutory aggravating factors pursuant to RSA 630:5, I(b), as the basis for the death penalty:

A. Statutory Aggravating Factors Enumerated Under RSA 630:5, VII

1. A. Michael K. Addison, purposely killed Manchester Police Officer Michael L. Briggs; and/or

B. Michael K. Addison purposely inflicted serious bodily injury which resulted in the death of Manchester Police Officer Michael L. Briggs; and/or

C. Michael K. Addison purposely engaged in conduct which:

- i. the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense; and
- ii. resulted in the death of Manchester Police Officer Michael L. Briggs; and

2. A. Michael K. Addison, in the commission of the offense of capital murder, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense; and/or

B. Michael K. Addison murdered Manchester Police Officer Michael L. Briggs for the purpose of avoiding or preventing a lawful arrest or effecting an escape from lawful custody.

B. Other Non-Statutory Aggravating Factors Included Pursuant to RSA 630:5, I(b)

1. Other Serious Acts of Violence: Assault and Battery and Threatening to Commit a Crime. On or about August 10, 1996, in South Boston, Massachusetts, the defendant, Michael K. Addison, did assault and beat Cheryl Kiser and threaten to commit a crime against her by saying he would kill her. The defendant, Michael K. Addison, pled delinquent to these two offenses on January 5, 1999.
2. Other Serious Acts of Violence: Assault with Intent to Kill, Assault and Battery, Possession of a Firearm and Possession of a Firearm without a Permit. On or about December 6, 1996, in Dorchester, Massachusetts, the defendant, Michael K. Addison, struck a male victim (M.A.) in the head and then pointed an unlicensed loaded revolver at the victim and pulled the trigger twice. The gun did not fire. The defendant, Michael K. Addison pled guilty and was convicted of these four offenses on July 21, 1997.

3. Other Serious Acts of Violence: Armed Robbery and Two Counts of Assault and Battery with a Dangerous Weapon (knife and shod foot). On or about March 20, 1997, in Roxbury, Massachusetts, the defendant, Michael K. Addison, was armed with a dangerous weapon (a knife) and assaulted Tredaine Purdy with intent to rob him, and did rob and steal from the person of Tredaine Purdy a hat, which was the property of Tredaine Purdy. The defendant, Michael K. Addison, also committed two counts of assault and battery upon Tredaine Purdy by means of dangerous weapons, by stabbing Purdy in the back with a knife and kicking Purdy while he was on the ground with his shod foot. The defendant, Michael K. Addison pled guilty and was convicted of these three offenses on December 3, 1997.
4. Other Serious Criminal Behavior: False Imprisonment. On or about October 27, 2003, in Londonderry, New Hampshire, the defendant, Michael K. Addison, acting in concert with Mathys Morgan, knowingly confined Brian St. Peter unlawfully as to interfere substantially with his physical movements, by keeping him inside a locked vehicle. The defendant, Michael K. Addison, pled guilty and was convicted of this offense on November 4, 2003.
5. Other Serious Criminal Behavior: Probation Violation. On or about October 27, 2003, in Londonderry, New Hampshire, the defendant, Michael K. Addison, violated the terms of his probation by committing the crime of false imprisonment. On August 6, 2004, the defendant, Michael K. Addison, stipulated to the violation of probation and was found in violation by the Court.
6. Other Serious Criminal Behavior: Armed Robbery. The defendant, Michael K. Addison, committed armed robbery when he and his accomplices/co-conspirators, including Antoine Bell Rogers, robbed customers of the El Mexicano Restaurant in Manchester, New Hampshire on or about October 10, 2006.
7. Other Serious Criminal Behavior: Felon in Possession. The defendant, Michael K. Addison, was a felon in possession of a deadly weapon when he committed the armed robbery of the El Mexicano Restaurant in Manchester, New Hampshire with his accomplices/co-conspirators, including Antoine Bell Rogers, on or about October 10, 2006.

8. Other Serious Criminal Behavior: Armed Robbery. The defendant, Michael K. Addison, committed armed robbery with a firearm when he and his accomplices/co-conspirators, including Antoine Bell Rogers, robbed the 7-Eleven Store in Hudson, New Hampshire on or about October 11, 2006.
9. Other Serious Criminal Behavior: Felon in Possession. The defendant, Michael K. Addison, was a felon in possession of a firearm when he committed the armed robbery of the 7-Eleven Store with his accomplices/co-conspirators, including Antoine Bell Rogers, on or about October 11, 2006, in Hudson, New Hampshire.
10. Other Serious Criminal Behavior: Reckless Conduct/Criminal Threatening. The defendant, Michael K. Addison, was involved in an incident on or about October 15, 2006, where he and/or his accomplice/co-conspirator Antoine Bell Rogers discharged a firearm outside a residence at 345 Edward J. Roy Drive in Manchester, New Hampshire.
11. Other Serious Criminal Behavior: Felon in Possession. The defendant, Michael K. Addison, was a felon in possession of a firearm, when he was involved in an incident on or about October 15, 2006, where he and/or his accomplice/co-conspirator Antoine Bell Rogers discharged a firearm outside a residence at 345 Edward J. Roy Drive in Manchester, New Hampshire.
12. Other Serious Criminal Behavior: Felon in Possession. The defendant, Michael K. Addison, was a felon in possession of a firearm, when he committed the murder of Manchester Police Officer Michael L. Briggs in Manchester, New Hampshire on or about October 16, 2006.
13. Other Serious Criminal Behavior: Flight to Avoid Apprehension/Prosecution. On or about October 16, 2006, the defendant, Michael K. Addison, enlisted others to help him flee New Hampshire to avoid apprehension/prosecution after he committed the murder of Manchester Police Officer Michael L. Briggs.
14. Other Serious Criminal Behavior: Reckless Conduct. On or about October 16, 2006, the defendant, Michael K. Addison, placed or may have placed another in danger of serious bodily injury by disposing of the firearm he used to murder Manchester Police Officer Michael L. Briggs by leaving it outside in a neighborhood in Manchester, New Hampshire.

15. Future Dangerousness of the Defendant: The defendant, Michael K. Addison, is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others. In addition to the charged offense of capital murder and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant, Michael K. Addison, has engaged in a continuing pattern of criminal and violent conduct, has threatened others with violence and has demonstrated low rehabilitative potential.
16. Victim Impact Evidence: The defendant caused injury, harm, and loss to the family of Manchester Police Officer Michael L. Briggs because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. The murder of Officer Michael L. Briggs has caused the Briggs family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Kelly A. Ayotte
Attorney General

May 4, 2007



Kelly A. Ayotte
Attorney General
New Hampshire Attorney General's Office
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Concord, New Hampshire 03301

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served on the defendant, Michael K. Addison, and sent to Richard Guerriero, Esquire, David Rothstein, Esquire, and Donna Brown, Esquire.

May 4, 2007

A handwritten signature in cursive script, reading "Kelly Ayotte", written over a horizontal line.

Kelly A. Ayotte

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